

26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Paragraphs (e) and (f) are added to subsection
 29 (2) of section 163.3162, Florida Statutes, and subsection (5) is
 30 added to that section, to read:

31 163.3162 Agricultural Lands and Practices.—

32 (2) DEFINITIONS.—As used in this section, the term:

33 (e) "Housing site" means the totality of development
 34 supporting authorized housing, including buildings, mobile
 35 homes, barracks, dormitories used as living quarters, parking
 36 areas, common areas such as athletic fields or playgrounds,
 37 storage structures, and other related structures.

38 (f) "Legally verified agricultural worker" means a person
 39 who meets all of the following criteria:

- 40 1. Is lawfully present in the United States.
- 41 2. Has been verified through the process provided in s.
 42 448.095 and is authorized to work at the time of employment.
- 43 3. Is seasonally or annually employed in bona fide
 44 agricultural production.
- 45 4. Remains lawfully present and authorized to work
 46 throughout the duration of that employment.

47
 48 The term includes a migrant farmworker as defined in s.
 49 381.008(4) and a temporary worker with a valid H-2A visa issued
 50 pursuant to 8 U.S.C. s. 1188.

51 (5) HOUSING FOR LEGALLY VERIFIED AGRICULTURAL WORKERS.—

52 (a) A governmental entity may not adopt or enforce any
53 legislation to inhibit the construction or installation of
54 housing for legally verified agricultural workers on land
55 classified as agricultural land pursuant to s. 193.461 which is
56 operated as a bona fide farm except as provided in this
57 subsection. However, a local government may adopt land use
58 regulations that are less restrictive than as provided in this
59 subsection.

60 (b) Construction or installation of housing units for
61 legally verified agricultural workers on parcels of land
62 classified as agricultural land under s. 193.461 must satisfy
63 all of the following criteria:

64 1. The dwelling units must meet federal, state, and local
65 building standards, including standards of the Department of
66 Health adopted pursuant to ss. 381.008-381.00897 and federal
67 standards for H-2A visa housing. If written notice of intent is
68 required to be submitted to the Department of Health pursuant to
69 s. 381.0083, the appropriate governmental entity with
70 jurisdiction over the agricultural lands may also require
71 submittal of a copy of the written notice.

72 2. The housing site must be maintained in a neat, orderly,
73 and safe manner.

74 3. All structures containing dwelling units must be
75 located a minimum of 10 feet apart.

76 4. The square footage of the housing site's climate-
 77 controlled facilities may not exceed 1.5 percent of the
 78 property's area or 35,000 square feet, whichever is less.

79 5. A housing site must provide front, side, and rear yard
 80 setbacks of at least 50 feet. However, an internal project
 81 driveway may be located in the required yard space if the yard
 82 is adjacent to a public roadway or to property that is under
 83 common ownership with the housing site.

84 6. A housing site may not be located less than 250 feet
 85 from a property line adjacent to property zoned for residential
 86 use. If the housing site is located less than 500 feet from any
 87 property line, screening must be provided between the housing
 88 site and any residentially developed adjacent parcels that are
 89 under different ownership. The screening may be designed in any
 90 of the following ways:

91 a. Evergreen plants that, at the time of planting, are at
 92 least 6 feet in height and provide an overall screening opacity
 93 of 75 percent;

94 b. A masonry wall at least 6 feet in height and finished
 95 on all sides with brick, stone, or painted or pigmented stucco;

96 c. A solid wood or PVC fence at least 6 feet in height
 97 with the finished side of the fence facing out;

98 d. A row of evergreen shade trees that, at the time of
 99 planting, are at least 10 feet in height, a minimum of 2-inch
 100 caliper, and spaced no more than 20 feet apart; or

101 e. A berm made with a combination of the materials listed
102 in sub-subparagraphs a.-d., which is at least 6 feet in height
103 and provides an overall screening opacity of 75 percent at the
104 time of installation.

105 7. All access drives that serve the housing site must be
106 made of packed shell, gravel, or a similar material that will
107 provide a relatively dust-free surface.

108 (c) Any local ordinance adopted pursuant to this
109 subsection must comply with all state and federal regulations
110 for migrant farmworker housing, as applicable, including rules
111 adopted by the Department of Health pursuant to ss. 381.008-
112 381.00897 and federal regulations under the Migrant and Seasonal
113 Agricultural Worker Protection Act or the H-2A visa program.

114 (d) Beginning July 1, 2024, a property owner must maintain
115 records of all approved permits, including successor permits,
116 for migrant labor camps or residential migrant housing as
117 required under s. 381.0081. A property owner must maintain such
118 records for at least 3 years and make the records available for
119 inspection within 14 days after receipt of a request for records
120 by a governmental entity.

121 (e) A housing site may not continue to be used and may be
122 required to be removed under the following circumstances:

123 1. If, for any reason, a housing site is not being used
124 for legally verified agricultural workers for longer than 365
125 days, any structures used as living quarters must be removed

126 from the housing site within 180 days after receipt of written
 127 notification from the county unless the property owner can
 128 demonstrate that use of the site for housing legally verified
 129 agricultural workers will occur within 90 days after receipt of
 130 the written notification.

131 2. If the property on which the housing site is located
 132 ceases to be classified as agricultural land, housing authorized
 133 under this section ceases to be eligible for residential uses
 134 unless and until it is approved under the zoning and land use
 135 regulations of the governmental entity.

136 3. If the permit authorized by the Department of Health
 137 for the housing site is revoked, any structures must be removed
 138 from the housing site within 180 days after receipt of written
 139 notification from the county unless the permit is reinstated by
 140 the Department of Health.

141 (f) Notwithstanding this subsection, the construction or
 142 installation of housing for legally verified agricultural
 143 workers in the Florida Keys Area of Critical State Concern or
 144 the City of Key West Area of Critical State Concern is subject
 145 to the permit allocation systems of the Florida Keys Area of
 146 Critical State Concern or the City of Key West Area of Critical
 147 State Concern, respectively.

148 (g) A housing site that was constructed and in use before
 149 July 1, 2024, may continue to be used, and the property owner
 150 may not be required by a governmental entity to make changes to

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151 meet the requirements of this subsection, unless the housing
152 site will be enlarged, remodeled, renovated, or rehabilitated.
153 The property owner of a housing site that is authorized under
154 this paragraph must provide regular maintenance and repair,
155 including compliance with health and safety regulations and
156 maintenance standards, for such housing site to ensure the
157 health, safety, and habitability of the housing site.

158 Section 2. This act shall take effect July 1, 2024.